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In re Application of :
Robert T. Plunkett, et al. :
Application No. 10/015,530 : **ON PETITION**
Filed: December 12, 2001 :
Attorney Docket No. 046301-046000 :

This is a decision on the petition, filed December 20, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).


The petition is **GRANTED**.

The application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed May 9, 2006, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on July 10, 2006. See MPEP 1215.04. This decision precedes the mailing of a Notice of Abandonment. In response, on December 20, 2007, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Appeal Brief and requisite fee; (2) the petition fee of \$770; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 2183.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries relating to the prosecution of the application should be referred to the Technology Center.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions